

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of	)	
	)	
Amendment of the Commission's	)	
Rules With Regard to the 3650-3700	)	ET Docket No. 98-237
MHz Government Transfer Band	)	RM-9411
	)	
The 4.9 GHz Band Transferred from	)	WT Docket No. 00-32 /
Federal Government Use	)	

To: The Commission

**COMMENTS OF GLOBAL FRONTIERS, INC.**

Global Frontiers, Inc. ("Global"), submits these Comments pursuant to 47 CFR §1.415; the Commission's Second Notice of Proposed Rule Making in this proceeding (the "NPRM"), ¶141 (Oct. 24, 2000); and the Synopsis of that Notice published in the Federal Register, 65 FR 69612, 69613 at ¶12 (Nov. 17, 2000):

**Introduction**

In the Report and Order that accompanied the NPRM, the Commission allocated 50 megaHertz of spectrum in the 3650-3700 MHz band to the fixed and mobile (base stations) terrestrial services on a primary basis. It proposes in the NPRM to license that band under Part 27 of the Commission Rules, the same part under

which it has proposed licensing the 4940-4990 MHz band in the pending WT Docket No. 00-32 rulemaking proceeding (the "4.9 GHz Rulemaking"). In ¶40 of the NPRM, the Commission seeks comment on the feasibility of pairing the 3650-3700 MHz band with the 4940-4990 MHz ("4.9 GHz") band for use for fixed or mobile services.

Global filed the Petition for Rule Making that, at least in part, led to the 4.9 GHz Rulemaking. Global's Petition, as well as the Comments and Reply Comments it later filed, are incorporated in the record of that proceeding and will be referred to in these Comments.

### **Additional Broadband Spectrum**

Global applauds the Commission's action in making additional broadband spectrum available for communications services based on advanced technology.

### **Applicability of Part 27**

Global also applauds licensing of the 3650-3700 MHz band under Part 27 of the Rules, for the reasons of flexibility cited on pp. 2-3 of its Comments in the 4.9 GHz Rulemaking. However, housekeeping revisions to Part 27 will be needed in order to accommodate the proposed new service in this band. See, e.g., Global's Comments in the 4.9 GHz Rulemaking at pp. 3-5 with respect to the reference in §27.10(a) of the Rules to "broadcast."

### **Pairing**

The Commission has suggested the possibility of licensees pairing the 3650-3700 MHz band with the 4940-4990 MHz band in order to provide two-way service. See, e.g., ¶¶43, 45, 58 and 70 of the NPRM.

Global has made clear in its Comments in the 4.9 GHz Rulemaking, pp. 16--17, that it objects to pairing if that would preclude access of would-be service providers to any significant portion of the 50 MHz frequency band for use in one-way broadband transmission. Most of each 50 MHz band will be needed for broadband capability such as is required by Global and others wishing to offer services based on advanced technology.

Applicants wishing to provide two-way service in either frequency band should not be precluded from seeking authorizations for return paths, on an equal footing with those who seek authorizations to offer one-way service. The 3650-3700 MHz band, if paired with the 4.9 GHz band, would offer greater opportunity for them than either band alone. But no part of either band should be set aside exclusively for two-way service.

### **Spectrum Aggregation**

In ¶58 of the NPRM, consistent with its proposal for the 4.9 GHz band, the Commission proposes no limit on aggregation of spectrum blocks within the 3650-

3700 MHz frequency band. Global supports that, as it did for the 4.9 GHz band, for the reasons stated at pp. 12-13 of its Comments in the 4.9 GHz Rulemaking.

### **Regional or National Licensing**

In ¶67 of the NPRM, the Commission says it seeks comment "on the possibility of licensing part of the 3650-3700 MHz band and the 4.9 GHz band on a regional or national basis and the remaining part of the bands on a smaller scale."

What Global said on pp. 2-3 of its Reply Comments in the 4.9 GHz Rulemaking, about proposals to divert a portion of that band to the exclusive use of public safety services, applies to the diversion of a portion of the bands to regional or national licensing. It could leave insufficient bandwidth for advanced telecommunications services based in localities, such as Global seeks to introduce. As Global said on p.3 of its Reply Comments in the 4.9 GHz Rulemaking, "any significant diminution of that band would obviously be a matter of major concern to it."

### **Size of Spectrum Blocks**

Global's concern about diminution of the wide bandwidth necessary for broadband services applies also to the suggestion in ¶70 of the NPRM that small spectrum blocks might be licensed within the 3650-3700 MHz band "so as to facilitate pairing of this band with the 4.9 GHz band." See pp. 12 and 14-15 of Global's Comments in the 4.9 GHz Rulemaking.

The Commission has recently proposed the allocation of 27 MHz of new spectrum in the frequency range 216-2390 MHz to non-Government use in seven non-contiguous small blocks, to "enable the development of new technologies and services." See FCC 00-395, ¶1 of NPRM released 11/20/2000 in ET Docket No. 00-221. Those blocks may well serve applicants who require narrower bandwidths, without impairing wider spectrum technologies in the 3650-3700 MHz and 4.9 GHz bands.

### **Geographic Areas**

At ¶¶64-67 of the NPRM, the Commission discusses the appropriate size of geographic areas by which to license use of the 3650-3700 MHz band, particularly with a view to the possible pairing of that band with the 4.9 GHz band. Global's preference is for the use of areas that are smaller than EAs, such as MSAs and RSAs. The reasons are detailed on pp. 14-15 of its Reply Comments in the 4.9 GHz Rulemaking

### **Partitioning and Disaggregation**

At ¶¶75-76 of the NPRM, the Commission requests comment on what limits, if any, it should impose on the ability of licensees to partition service areas and disaggregate spectrum. Global's views are in accord with the tentative views of the Commission expressed in ¶75, to allow licensees "the flexibility to partition their

service areas without any restriction, and to disaggregate their spectrum." See Global's Comments in the 4.9 GHz Rulemaking at p. 3. In fact Global would allow mutually exclusive applicants to resolve their mutual exclusivity before auction by negotiation and agreements for any engineering solutions, including geographic partitioning and spectrum disaggregation. See Global's Petition in the 4.9 GHz Rulemaking at p.17-18 and p.6-7 of these Comments.

### **In-Band Interference Control**

In ¶¶93-101 of the NPRM, the Commission seeks comments on the advantages and disadvantages of coordination procedures and field strength limits as a means of controlling harmful interference between the systems of adjacent licensees in the 3650-3700 MHz frequency band.

On pages 17-20 of Global's Comments in the 4.9 GHz Rulemaking, it stated its reasons for preferring field strength limits as the means of controlling interference in the 4.9 GHz band. The same reasons apply with equal force to the 3650-3700 MHz band.

### **Avoidance of Mutual Exclusivity**

In ¶120 of the NPRM, the Commission says it seeks comment "on whether, if the 4.9 GHz band were to be paired with the 3650-3700 MHz band, any of our Part

1 rules or other auction procedures would be inappropriate in an auction for licenses in these two bands."

Global contends that, unless the Part 1 rules and other auction procedures are revised to afford competing applicants an opportunity to avoid mutual exclusivity through negotiation and engineering solutions, not only would they be "inappropriate" but they will be statutorily unlawful. See, in the 4.9 GHz Rulemaking, Global's Petition at pp. 13-17 and its Comments at pp. 5-11.

### **Small Business Bidding Credits**

In ¶¶122-27 of the NPRM, the Commission proposes to add to the two small-business categories it applied to the 2.3 GHz band, which it also proposed in the 4.9 GHz Rulemaking for that band, a third category of entities with average three-year gross revenues not exceeding \$3 million. For that small-business category, a 35% bidding credit would be afforded. In ¶126, the Commission requests comment on whether that additional credit would be appropriate also for the 4.9 GHz band if consolidated with the 3650-3700 MHz band.

Global supports this additional small-business category and the 35% bidding credit, for the 3650-3700 MHz band and also the 4.9 GHz band whether, or not it is paired with the 3650-3700 MHz band. On p.16 of its Reply Comments in the 4.9

GHz Rulemaking, Global urged the Commission to consider increasing bidding credits for small businesses.

The additional small-business category and enhanced bidding credit proposed for the 3650-3700 MHz band are a reasonable and welcome response to a recognized need to level the playing field for small businesses like Global. They should be extended to the 4.9 GHz frequency band as well.

### **Conclusion**

Global Frontiers, Inc., urges the Commission to proceed with rulemaking for the 3650-3700 MHz band along the general lines proposed in the NPRM. It endorses pairing that band with the 4.9 GHz band only if it does not remove any part of either band from availability to all applicants. Global urges making sufficient bandwidth available within both bands to enable would-be applicants such as itself to introduce new services based on advanced technologies to the public.

Global supports the Commission's proposals to place no limits on aggregation of spectrum blocks within the 3650-3700 MHz band or on licensees' ability to partition service areas and disaggregate spectrum. It opposes diverting portions of either the 3650-3700 MHz band or the 4.9 GHz band to regional or national licensing, and urges the geographic licensing be in small areas, such as MSAs and RSAs.



Global endorses control of in-band interference through field strength limits. It welcomes extension of the Commission's proposed new 35% bidding credit to small business applicants and urges it be applied in both the 3650-3700 MHz and 4.9 GHz bands.

Finally, and especially, Global urges the Commission to act within the limits of its statutory auction authority by affording applicants an opportunity to avoid mutual exclusivity by negotiation and engineering solutions.

Respectfully submitted,

**Global Frontiers, Inc.**

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